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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,414	04/02/2001	Hiroya Kirimura	P107351-00011	9442

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EXAMINER	
SONG, MATTHEW J	
ART UNIT	**PAPER NUMBER**
1792	
MAIL DATE	**DELIVERY MODE**
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/822,414	**Applicant(s)** KIRIMURA ET AL.	
	Examiner MATTHEW J. SONG	**Art Unit** 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *4* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *26-45*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Robert M Kunemund/
Primary Examiner, Art Unit 1792

Continuation of 3. NOTE: Claim 33 has been amended to recite "over a length in a first direction of the target surface." The new limitation would require further search and consideration because "over a length in a first direction" was not considered previously. The same argument applies to the remaining claims which incorporate a similar amendment.

Continuation of 11. does NOT place the application in condition for allowance because: First, the arguments are directed to the amendment which was not entered. Second, applicant's arguments filed 3/12/2008 have been fully considered but they are not persuasive.

Applicant's argument that Asakawa et al teaches forming a prefilm prior to irradiation is noted but not found persuasive. Applicant argument is based on Asakawa et al teaching "supplying a reaction gas onto the substrate under a low temperature allowing no crystallization of the prescribed material with the plasma chemical vapor deposition alone while simultaneously irradiating the substrate with beams of low energy" in column 4, lines 55-65 (emphasis added). Asakawa merely teaches the CVD deposition alone would not produce crystallization, however Asakawa does not teach the process is performed alone since the substrate is irradiated with energy beams. Asakawa et al teach using the method to produce single crystalline thin films. (col 4, ln 54-56). Also, Asakawa et al teaches forming polycrystalline film by continuously supplying reaction gas while intermittently supplying beams, thus the beams are supplied while supplying reaction gas to form a film with crystallinity. (col 12, ln 1-10).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner admits Asakawa et al does not teach the claimed laser or electron beam, however the use of laser or electron beams would have been obvious to one of ordinary skill in the art based on the teachings of Zhang et al.

Applicant's argument that Asakawa does not teach a beam in a first direction and scanning in a second direction is noted but not found persuasive. Asakawa et al teaches a strip f atom current, this clearly suggests a first direction, and scanning in a direction which is perpendicular to the strip of atom current, this clearly suggests a second direction. (col 59, 1-67).

Applicant's argument that an additional laser source of Zhang to the apparatus of Asakawa et al would render Asakawa inoperable is noted but not found persuasive. Merely adding an additional laser to an apparatus is within the skill in the art and would not render Asakawa's apparatus inoperable. Also, an obvious modification to the method of Asawaka would be expected to require changes to the apparatus, which would be within the skill in the art. The modification is not adding an additional single beam, rather the modification is substituting a different beam.

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